

REMARKS

Applicant has elected to prosecute claims 1-20 in this application. It is believed that the claims not being prosecuted in this application are patentable and applicant will pursue these other claims in divisional applications as deemed appropriate.

Claims 1 and 11 are rejected under 35 U.S.C. 102(b) and claims 2-10 and 12-20 are objected to as being dependent on rejected base claims, but would be allowable if rewritten in independent form including all the limitations of the base claims. This has been done, to the extent that it makes sense, in this amendment.

Claim 2 includes all the limitations of base claim 1 and claim 12 includes all the limitations of base claim 11. Allowance of claims 2-10 and 11-20 is requested.

Claim 1 and claim 11 each stand rejected under 35 U.S.C. 102(b) as being anticipated by Graupe.

Graupe is a hearing aid device and is designed to operate in a limited field that is not similar to the field to which this invention is directed. Applicant focuses on a system for enhancing speech intelligibility. In the preamble of claim 1 the aspect of "particular hearing impairments" is addressed. This is a reference to, among other things, enhancing speech intelligibility for persons that have a hearing impairment that is frequency based, i.e. where a person can hear a range of frequencies well but cannot hear frequencies outside that range very well. This is sometimes apparent with octogenarians who are forced to "crank up the volume" on an output such as a television speaker system in order to hear the frequencies that are in their poor hearing range of frequencies. What this invention addresses, and what is claimed, is the correction necessary to enhance speech signal intelligibility, not simply a conventional hearing aid solution enhanced as taught by Graupe with an on-off circuit in the system. Furthermore, Graupe does not address the presence of "system noise," noise that is inherent in the system such as an electronic tone of the system, nor does he address "program background noise," such as the sound of a rainstorm in the background behind dialogue in a movie. The invention addresses

each of these and these are undesirable sounds that the system claimed in the claims presented by claim 1 and 11.

In paragraph 3 of the rejection various elements of claim 1 are set out in juxtaposition to the columns and lines in Grupe. The last paragraph, except for the reference to columns 3 and 4, on page 3 of the rejection is a copy of the last element of claim 1. This claim element sets up a bypass option that is under *user control*. The Grupe reference however does not teach the option of having the user control and make the decision to either direct the audio signal to the speech enhancement system or bypass the audio signals directly to the output amplifier.

Although user control may seem like a trivial distinction over Grupe, it is not. It is an advantage for the user of the system to be able to toggle to an enhanced speech mode or a normal mode. For instance, if the system is set for enhanced mode and the listeners in the room don't require the enhancement feature, this invention claims that the enhancement mode can be toggled off. In Grupe the wearer of the hearing aid doesn't have the option as the Grupe circuit is set to operate regardless of operator control.

If Grupe is used to support a 35 U.S.C. §103 rejection by saying that Grupe can simply be turned off by the operator, in the same way this invention can be turned of or on, that is just not the same. In turning off the device of Grupe the entire function of its usefulness as a hearing aid is shut down. In order to be the basis for a "103" rejection Grupe would have to teach a bypass option controllable by the user. He does not hint at this option.

It is believed that the objected to claims, claims 2-10 and 12-20, are properly amended herein to overcome objections to them. Claims 1 and 11 appear not to be anticipated by the cited art thus reconsideration of the 35 U.S.C. §102 rejection of these claims is requested. Allowance of all claims in this application is requested.

Respectfully submitted,

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**CERTIFICATION OF FACSIMILE
TRANSMISSION**

I hereby certify that this paper and the documents referred to as being attached herewith are being sent by facsimile transmission to the United States Patent and Trademark Office central facsimile number (703.872.9306) on February 4, 2004.

Douglas W. Rudy

